IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.378 OF 1986

The Board of Trustees of the
Port of Bombay ..Plaintiff

Vs.

Karad Engineering Works ..Defendants

Mr.U.J.Makhija i/b Mulla & Mulla for the plaintiff

None for the defendants

CORAM : S.U.KAMDAR, J
DATED : 30TH JANUARY, 2006

P.C.:

. The present suit is of 1986 i.e. almost 19 years old. Plaintiff who is a Port Trust and having elaborate legal department and also assistance of the Solicitors have not bothered to effect service on the writ of summons in the present suit. The learned counsel states that though an attempt was made in 1987 and the packets were sent, no acknowledgement has ben received to the effect that service is effected on the defendants in the present suit. I am of the opinion that it is totally against the interest of justice that after period of 19 years, suit should

be permitted to be served and a stale claim should be recked up for passing a decree in favour of the plaintiff. It is unfortunate that plaintiff though having legal department and an assistance of reputed solicitors have taken no steps in protecting the public money. In my view, it is not possible to permit the plaintiff after 19 years to serve writ of summons and prosecute the suit. Suit is dismissed accordingly. No order as to costs.